



June 19, 2013

Federal Communications Commission, Chairman
445 12th Street SW
Washington, DC 20554

GN Docket No. 13-86

**Comments of
Concerned Women for America**

Concerned Women for America, the largest public policy organization for women, representing more than 500,000 members nationwide, hereby submits the following comments opposing efforts to weaken the standards on broadcast indecency by pursuing only “egregious” violations.

Congress gave the Federal Communications Commission (FCC) responsibility for administratively enforcing laws regarding profanity and obscenity. Last summer, the U.S. Supreme Court affirmed the FCC’s ability to continue to impose indecency fines on the networks for fleeting expletives and brief nudity. The FCC has an obligation to the American people to fulfill this duty.

As part of the licensure process to broadcast, networks pledge to act in the “public interest.” The FCC has a duty to ensure that broadcasters are reminded that public airways are, indeed, public. The networks using these airwaves have a moral duty to the American public to responsibly provide content that is acceptable for all viewers.

Television broadcasting has a long history of being regulated at times when children are likely to be in the viewing audience. The ban on indecency is not a “blanket” ban but rather targeted to when it is likely to be most harmful, when kids are watching. Broadcasters can still air their filth after 10:00 p.m., when children are likely not to be in the viewing audience.

Parents are keenly interested in protecting and ensuring that their children are not constantly barraged by sex, violence, and profanity on television. Because broadcasting enters the home of

Americans, parents' hands are tied when they do not have the opportunity to immediately shield their children. Since broadcasters are not willing to police their own actions to protect children, it falls to the FCC to ensure the filth remains outside families' homes.

Further, not all speech is protected by the First Amendment to the Constitution. Indecent and offensive speech does not get full protection when more important societal interests take precedent. For instance, in *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978), the reigning Supreme Court case for indecency in broadcast media, the Court held that the "right to be left alone" in the sanctity and privacy of the home outweighs a broadcaster's desire to air indecent content. Americans would not expect someone to be standing in their homes hurling profanity at them or removing their clothes. Nor should they expect this on their televisions.

Pacifica also affirmed that children deserve protection from indecent material. In *Pacifica*, the court found that since broadcasting was available to children simply by turning on the television or radio, it could be regulated to a greater extent than other forms of media.

The FCC is considering whether to only pursue complaints of "egregious" violations to indecency. However, what is acceptable to one family is not acceptable to another. The over 1.5 million complaints filed by Americans across the country is a clear testament that they do not want profanity and obscenity coming into their homes.

Additionally, for a child watching a "family friendly" program during prime time, profane or obscene broadcasting is still indecent, whether it is said or shown once, or shown repeatedly. With television's uniquely pervasive presence in Americans' lives, the government has the legitimate right to take steps to protect children from harmful material.

Congress has made the determination that indecent material is harmful to children and has left enforcement of the ban to the FCC. For the aforementioned reasons, Concerned Women for America calls on the FCC to uphold its public responsibility and maintain strict enforcement of all indecency cases, and not dismiss legitimate complaints that have been filed with the agency. Families should not have their homes invaded by filth without their consent.